



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

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| IN THE MATTER OF THE LICENSE OF | : | Administrative Action |
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| DIANNE M. JACOBSEN, LPN | : | FINAL ORDER |
| License # 26NP05726500 | : | OF DISCIPLINE |
| | : | |
| | : | |
| TO PRACTICE NURSING IN THE | : | |
| STATE OF NEW JERSEY | : | |

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Dianne M. Jacobsen ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about April 8, 2013, Respondent completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial

renewal period of June 1, 2011 - May 31, 2013. Respondent answered "yes" and certified that answer by submitting the online application.

3. Upon receipt of information indicating that Respondent was arrested on December 31, 2013 by members of the Butler Police Department and charged with two counts of violating N.J.S.A. 2C:35-13 (Obtaining Controlled Dangerous Substance By Fraud), the Board sent a letter of inquiry to Respondent's address of record in North Haledon, New Jersey, via regular and certified mail on or about January 21, 2014, requesting information and documentation about the criminal matter, Respondent's nursing practice, and continuing education. The regular mailing was not returned. The United States Postal Service tracking system indicates the certified mailing was delivered on January 23, 2014.

4. The Board received a letter dated February 26, 2014 from Respondent's attorney indicating that he would provide the required documentation, however, no further information was received.

5. On July 3, 2014, after calling the attorney's office, Board staff faxed another copy of the Board's letter of inquiry to the attorney. The Board received no reply.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's repeated requests for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2011 to May 31, 2013. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Lastly, Respondent's drug related arrest raises sufficient concern such that testing, monitoring, evaluation, and treatment are warranted, as a condition for continued or reinstated licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f) and to ensure that Respondent can properly discharge nursing functions pursuant to N.J.S.A. 45:1-22(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on January 20, 2015, provisionally suspending respondent's nursing license, imposing a reprimand and a total of \$750 in civil penalties, and ordering respondent to enroll in the Recovery and Monitoring Program of New Jersey for evaluation and monitoring. A copy of the Order was forwarded to respondent's attorney. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for

modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, via her attorney, and provided all the documentation and information originally requested by the Board. Therefore, suspension is no longer warranted. Respondent documented completion of sixty (60) contact hours of valid continuing education, thirty hours of which were completed on February 8, 2014, and thirty hours of which were completed on February 18, 2015. The Board noted that respondent had complied with N.J.A.C. 13:37-5.3 with respect to the 2013 renewal, but had completed the 2011-2013 obligation belatedly, and had thus provided inaccurate information on her 2013 renewal application as to the status of her continuing education. The Board accordingly found that the reprimand for misrepresentation on the renewal application, and the \$250 penalty for failure to timely comply with N.J.A.C. 13:37-5.3 were both appropriate. Moreover, the information provided served to reinforce the applicability of N.J.S.A. 45:1-22(f), ordering respondent to undergo evaluation and monitoring through RAMP.

ACCORDINGLY, IT IS on this 21st day of April, 2015,

ORDERED that:

1. A reprimand is imposed on Respondent for falsifying the continuing education information on her license renewal application.

2. Respondent is assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750). Said penalty is an aggregate penalty, which includes a penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation and a penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Respondent shall undergo a comprehensive mental health

and substance abuse evaluation, including monitoring, under the auspices of the Board's designated intervention program, the Recovery And Monitoring Program ("RAMP") and shall gain RAMP's support for continued active licensure. Respondent shall enroll in RAMP, for purposes of obtaining a comprehensive mental health and substance abuse evaluation, within thirty days of filing of this order. Respondent may contact RAMP by telephone at (609)883-5335, extension 115.

4. By undergoing evaluation, Respondent expressly waives any claim of privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceedings.

5. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

6. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent ultimately provides in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PLD APN
Patricia Murphy, PhD, APN
Board President